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ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DUSTIN LEE WOLFF,

Defendant.

CR 17-125-BLG-SPW

OFFER OF PROOF

The defendant, Dustin Lee Wolff, is charged by indictment with conspiracy to distribute and to possess with intent to distribute methamphetamine, in violation

of 21 U.S.C. § 846 – count I; and possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1) – count II.

PLEA AGREEMENT

Wolff will plead guilty to count I of the indictment. The United States presented all formal plea offers to Wolff in writing. The plea agreement entered into by the parties and filed with the Court represents, in the government's view, the most favorable offer extended to Wolff. *See Missouri v. Frye*, 566 U.S. 134, 145-46 (2012).

ELEMENTS OF CHARGE

In order for Wolff to be found guilty of conspiracy to distribute and to possess with the intent to distribute methamphetamine, as charged in count I of the indictment, the United States must prove each of the following elements beyond a reasonable doubt:

First, during the time period specified in the indictment, there was an agreement between two or more persons to commit at least one crime as charged in the indictment; and

Second, the defendant became a member of the conspiracy knowing of at least one of its objects and intending to help accomplish it.

Although not an element, the United States would also have to prove beyond a reasonable doubt that the conspiracy contemplated the distribution of 50 or more grams of a substance containing a detectable amount of methamphetamine, and that amount:

- (1) fell within the scope of defendant's agreement with the coconspirators, or
- (2) was reasonably foreseeable to the defendant.

PENALTY

This crime carries a penalty of a mandatory minimum five years to forty years of imprisonment, a \$5,000,000 fine, at least four years of supervised release, and a \$100 special assessment.

ANTICIPATED EVIDENCE

If this case were tried in United States District Court, the United States would prove the following:

Wolff, who was been on supervision by the State of Montana for a felony drug offense, was arrested, on April 30, 2017, after a probation search was conducted at his residence in Missoula, and he was found in possession of approximately 30 grams of pure methamphetamine.

During 2017, sources of information and cooperating defendants in Billings identify Wolff as a source of methamphetamine. Everyone knows Wolff as the "guy from Missoula," and all are able to identify him as "Dusty" when shown his photograph. Additionally, search warrants executed on cell phones seized from sources of information and cooperating defendants during the last six months of 2017 contain a multitude of drug-related texts from Wolff.

Specifically, a confidential informant for the task force was interviewed on May 9, 2017, and advised that Dusty and his wife distribute methamphetamine in Billings. The confidential informant had a telephone conversation with Wolff's wife in the presence of the task force officer, and she stated that she is "laying low" while Dusty is in jail because they (she and Dusty) believe the "feds" are looking at them.

A cooperating co-conspirator, who recently pleaded guilty to possession with intent to distribute methamphetamine in federal court, will confirm that Wolff traveled with his wife from Missoula to Billings to distribute methamphetamine. The cooperating co-conspirator estimates that he/she received about a pound of methamphetamine from Wolff from late 2016 through February 2017.

DATED this 15th day of February, 2018.

KURT G. ALME
United States Attorney

/s/ Lori Harper Suek
LORI HARPER SUEK
Assistant U.S. Attorney